

## **REMARKS / ARGUMENTS**

### Allowed Subject matter

Claims 30-39 and 42-43 are allowed.

### Claims Objections

Line 1 of Claim 6 has been redrafted in which "wherein and" has been deleted.

### Claims Rejections 35 USC § 112

Claim 3 has been redrafted to depend on claim 1 as is suggested by the Examiner.

### Claims Rejections 35 USC § 101

Claim 16 and 44 have been redrafted to claim methods that produce tangible results by changing the wording of claim 16 and by adding additional steps in claim 44.

### Claims Rejections 35 USC § 103

Claims 1-4, 6-11, 14-29 and 40-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hoo et al in view of "G.voice, G.dmt.bis, G.life.bis: Proposal for seamless dynamic rate repartition for CVoDSL" published on 9-13 April 2001, less than one year before the filing of the present application, by Jim Carlo, Ben Wiseman and Grant Wunsch. Grant Wunsch is the sole applicant of the present application. The names of Jim Carlo and Ben Wiseman were added to that publication only as contacts working in the same company, not as inventors of any relevant subject matters.

Applicant respectfully contends that any features relevant to the invention described in the present Patent Application 10/034,145 filed on December 28, 2001 in the United States which are disclosed in the publication of article "G.voice, G.dmf.bis, G.lite.bis: Proposal for Seamless Dynamic Rate Repartition for CVoDSL", do not show knowledge or use by another nor prior invention by another. The application of the article as a reference against Applicant's invention is improper because the article, to the extent relevant, describes the invention of Applicant and so cannot predate Applicant's invention.

A declaration to that effect can be provided if requested by the Examiner.

Therefore, the article cannot be used to object the patentability of claims 1-4, 6-11, 14-29 and 40-41.

Despite the fact that Hoo shows a system in which configuration transceiver parameters include information to implement a bit swap, Hoo is silent with respect to the timing information related components. Consequently, reconsideration and withdrawal of the outstanding rejections are respectfully requested in light of the above amendments and remarks.

Respectful request is made for reconsideration of the application, as amended, and for an issuance of a Notice of Allowance.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

Respectfully submitted,



/Tum Thach/

Tum Thach

Reg. No. L0323

(Limited recognition)

Exp: September 30, 2009

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